STATE OF ARIZONA FILED

AUG 24 2009

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

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BY	

In the Matter of: DHI TITLE OF ARIZONA, INC.,) Docket No. 09A-070-INS
Petitioner.) CONSENT ORDER))

The State of Arizona Department of Insurance ("Department") has received evidence that **DHI Title of Arizona, Inc.** ("Petitioner") violated provisions of Title 20, Arizona Revised Statutes.

Petitioner wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

- 1. First Freedom Title Agency, Inc. ("First Freedom") is an Arizona domestic corporation incorporated on March 17, 1994 and licensed with the Department as a resident title agent, Arizona license number 40133. On June 16, 1997, First Freedom changed its name with the Arizona Corporation Commission ("ACC") to Century Title Agency, Inc. ("Century"). On February 12, 2004, Century changed its name with the ACC to DHI Title of Arizona, Inc. ("DHI Title"). At that time, the Department issued a title agent license to DHI Title in the name "DHI Title of Arizona, Inc."
- 2. On April 10, 2006, DHI Title submitted its renewal application under the name DHI Title of Arizona, Inc. The Department was unable to renew the title agent license because the name did not contain the words "agent" or "agency." The Department renewed DHI Title's title agent license with the name "DHI Title of Arizona, Inc., An Arizona Licensed Title Agency."

- 3. DHI Title's address of record is 7740 N. 16th Street, #250, Phoenix, Arizona 85020.
- 4. DHI Title maintains a website: www.dhititle.com which holds out "DHI Title of Arizona, Inc." as a licensed title agent.
- 5. The Department has not approved the name "DHI Title of Arizona, Inc." as a licensed title agent in Arizona.
 - 6. Bill Marasa is the President/CEO of DHI Title.
- 7. On July 8, 2009, the Department filed an Order to Cease and Desist, In the Matter of DHI Title of Arizona, Inc., Docket Number 09A-070-INS.
- 8. On July 23, 2009, DHI Title timely filed an Application for Stay or Demand for Hearing in Docket Number 09A-070-INS.
 - 9. On July 24, 2009, the Department granted the Application for Stay.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. "Title insurance agent" means a domestic or foreign stock corporation . . . authorized in writing by a title insurer to solicit insurance and collect premiums and to issue or countersign policies on its behalf, within the meaning of A.R.S. § 20-1562(9).
- 3. Title insurance agents shall be licensed, within the meaning of A.R.S. §§ 20-1561(E) and 1580(A).
- 4. Pursuant to A.R.S. § 20-1583(A), an agent for a title insurer shall not adopt a corporate or business name containing the words "title insurance", "title guaranty" or "title guarantee" or other words indicating that the agent is in the business of title insurance, unless those words are followed by the words "agent" or "agency".
- 5. Pursuant to A.R.S. § 20-297(A) as applied to title agents under A.R.S. § 20-1561(E), an insurance producer doing business under any name other than the producer's legal name shall notify the director, on a form prescribed by the director, before using the assumed name.

- 6. Pursuant to A.R.S. § 20-297(D) as applied to title agents under A.R.S. § 20-1561(E), the director shall not issue any license in a trade name except to a business entity and on proof satisfactory that the trade name has been lawfully registered.
- 7. Petitioner's conduct, as alleged above, constitutes acting as a title insurance agent without being licensed, in violation of A.R.S. §§ 20-1561(E) and 1580(A).
- 8. Petitioner is not exempt from the licensing requirement, within the meaning of A.R.S. § 20-1562(9).

ORDER

IT IS THEREFORE ORDERED:

- 1. Petitioner will correct its website to show, on its Arizona page, that it is a title agent to eliminate any confusion about whether it is a title agent or title insurer.
- 2. Petitioner will correct its letterhead and all written communications with the public in Arizona to show that it is a title agent to eliminate any confusion about whether it is a title agent or title insurer.
- 3. Petitioner will file a trade name with the Arizona Secretary of State that contains the word "agent" or "agency" and will file that trade name with the Department as an assumed business name.
 - 4. Petitioner has 30 days from the date of this order to comply with its terms.
- 5. The Director acknowledges, with the execution of this Consent Order, that Petitioner withdraws its hearing request.

DATED this 2/st day of August, 2009.

CHRISTINA URIAS, Director Arizona Department of Insurance

CONSENT TO ORDER

- Petitioner has reviewed the foregoing Findings of Fact, Conclusions of Law and
 Order.
- Petitioner admits to the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing
 Conclusions of Law and Order.
- 3. Petitioner is aware of its right to notice and a hearing at which it may be represented by counsel, present evidence and examine witnesses. Petitioner irrevocably waives its right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Petitioner states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to it to induce it to enter into this Consent Order and that it has entered into this Consent Order voluntarily.
- 5. Petitioner acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against it and does not preclude any other agency, officer, or subdivision of this state including the Department from instituting civil or criminal proceedings as may be appropriate now or in the future not related to this matter.
- 6. Petitioner acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC). Petitioner further acknowledges that it must report this administrative action to any and all states in which it holds an insurance license and must disclose this administrative action on any license application.
 - 7. DHI Title of Arizona, Inc. withdraws its request for hearing in this matter.

1	8. Bill Marasa represents that he is the President of DHI Title of Arizona, Inc. and	
2	as such is authorized to enter into this Consent Order on its behalf.	
3	DHI Title of Arizona, Inc.	
4		
5	Date Warasa, President	
6		
7	COPY of the foregoing mailed this 24th day of August, 2009, to:	
8	Robert P. Lindfors	
9	Carson Messinger Elliott Laughlin & Ragan, PLLC	
10	3300 North Central Ave., Suite 1900 Phoenix, Arizona 85012	
11	Attorney for Petitioner	
12	Bill Marasa, President DHI Title of Arizona, Inc. 7740 N. 16 th Street, #250 Phoenix, Arizona 85020 Petitioner	
13		
14	Lynette Evans Assistant Attorney General 1275 West Washington Phoenix, AZ 85007	
15		
16	Attorney for the Department	
17	Gerrie Marks, Deputy Director Mary E. Kosinski, Exec. Assistant for Reg. Affairs	
18	Catherine M. O'Neil, Consumer Legal Affairs Officer Mary Butterfield, Assistant Director Steven Fromholtz, Licensing Administrator Department of Insurance 2910 North 44 th Street, Suite 210 Phoenix, Arizona 85018	
19		
20		
21	Or Button	
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